

Appl. No. : 10/761,785
Filed : January 21, 2004
Office Action Date : November 16, 2004
Response Date : February 15, 2005

REMARKS

The foregoing amendments and the following remarks are responsive to the November 16, 2004 Office Action for the above-identified patent application. Claims 1-8 were originally pending in this application. Claims 1 and 8 are amended herein. Claims 2-7 remain as originally filed. New Claim 9 is added herein. Applicant respectfully requests allowance of Claims 1-9 in view of the foregoing amendments and the following arguments.

Response to Rejection of Claims 1-2 and 5-8

Claims 1-2 and 5-8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,158,256 to Gross. The Examiner states that Gross substantially discloses Applicant's claimed invention. As part of the basis for the rejection, the Examiner argues:

the Gross keyboard accessory comprises a support pad and first and second cradles;

each of the cradles in Gross has a first portion that supports the lower portion of a user's forearm;

the first portion of each cradle rests upon the upper portion of the support pad;

each cradle has a second portion to support the hand of the user.

Applicant respectfully traverses the rejection of Claims 1-2 and 5-8 because neither Gross nor any of the other cited references teaches or suggests the features identified by the Examiner.

The Rejection Cites Elements of U.S. Patent No. 5,398,896 to Terbrack Rather Than Elements of U.S. Patent No. 5,158,256 to Gross

The rejection is confusing as presented by the Examiner. In particular, the Examiner states that the elongate guide track 14 of Gross is a support pad. The

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Examiner also cites support members 100 in Gross as corresponding to the first and second cradles. The Examiner cites column 8 at lines 3-12 of Gross for teaching a retaining device to attach the cradle to the forearm of the user.

The cited elements are not found in Gross. For example, in column 4 at lines 60-62, Gross identifies element 14 of Figure 1 as a "rectangular panel 14." In column 7 at lines 11-15, element 100 of Gross is described as a leg that connects a collar 84 to a mounting panel (see Figures 4, 5 and 7). The text in column 8 at lines 3-12 does not describe a retaining device.

Upon review of U.S. Patent No. 5,398,896 to Terbrack, which is cited by the Examiner but not applied, it appears that the Examiner intended to cite Terbrack in support of the rejection. In particular, the numbered elements and the cited text are found in Terbrack. For example, in column 5 at line 13, Terbrack refers to element 14 as "an elongate guide track," and in column 8 at lines 3-12, Terbrack describes a support member 100 that supports the user's forearm and wrist, as well as the palmar surface of the user's hand.

Since it appears that the Examiner intended to cite Terbrack rather than Gross, the following arguments distinguish Terbrack.

Terbrack Does Not Teach or Suggest a Support Pad

The Examiner states that the elongate guide track 14 of [Terbrack] is a support pad. Applicant respectfully disagrees. Claims 1 and 8 define a "support pad" having a "low-friction upper surface," and further state that the first portion of each cradle rests upon the upper surface of the support pad. Terbrack does not teach or suggest a cradle that rests upon the upper surface of the support pad. The "elongate guide track" of Terbrack is not a pad under any known definition of "pad." Even if the guide track could be considered to be a "support pad," the cradle (support member 100) does not rest upon the upper surface of the guide track. Rather, as illustrated in Figures 4, 5 and 6 and as described column 6 at line 49 through column 8 at line 12 of Terbrack, each

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support member 100 is coupled to the guide track by a support assembly 66 that includes a carriage member 68 that is slidably engaged to the guide track 14 and moves horizontally along the track. In view of the foregoing, Terbrack does not provide any basis for the Examiner's statement that the first portion of the cradle rests upon the guide track.

Terbrack Does Not Teach or Suggest a Cradle Having a Retaining Device to Attach the Cradle to the Lower Forearm of the User

The Examiner acknowledges that [Terbrack] does not teach a retaining device; however, the Examiner states that the addition of the retaining device to maintain the user's hand in the support member would have been *prima facie* obvious to one having ordinary skill in the art. Applicant respectfully disagrees.

The Terbrack device and Applicant's claimed device are fundamentally different. As illustrated in Terbrack, each support member 100 is permanently coupled to the guide track 14 via the support assembly 66 and the carriage member 68. When the user attempts to remove his or her hands from the vicinity of the keyboard, the support members 100 must necessarily remain in place. If the support members were attached to the user's forearm by the claimed retaining devices as proposed by the Examiner, the user would be required to lift the entire support device 10 and the keyboard 12 resting upon the support arms 14 (see Figure 1). Thus, adding the retaining devices to the Terbrack support members would not be *prima facie* obvious. Rather, adding the retaining devices to the support members would create a system that would prevent the user from removing his or her hands from the vicinity of the keyboard.

In contrast to the support members in Terbrack, the retaining devices on the cradles of Applicant's claimed invention are independent of the support pad and are attached to the user's forearms so that the cradles will move with the user's hands as the user positions his or her hands at various locations with respect to the keyboard. In order to clarify this distinction, Claim 1 is amended herein to clarify that the cradles are

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movable vertically and horizontally with respect to the upper surface of the support pad and that the first portion supports the lower portion of the forearm of a user when the first portion is positioned upon the upper surface of the support pad. Similarly, Claim 8 is amended herein to clarify that the method includes the step of attaching a cradle to each of the user's lower forearms and hands using a retaining device, the cradle having a forearm support portion and a hand support portion, the cradle being independent of and freely movable horizontally and vertically with respect to the upper surface of the support pad. As discussed above, Terbrack does not teach or suggest these non-obvious features of Applicant's claimed invention.

In view of the foregoing, Applicant respectfully submits that amended Claims 1 and 8 are patentably distinguished over Terbrack and the other cited references. Applicant respectfully requests the Examiner to withdraw the rejection of Claims 1 and 8 and to pass amended Claims 1 and 8 to allowance.

Claims 2-7 depend from Claim 1 and further define features of Applicant's invention. In view of the patentability of amended Claim 1 over the cited references, Applicant respectfully submits that Claims 2-7 are also patentably distinguished over the cited references. Applicant respectfully requests the Examiner to withdraw the rejection of dependent Claims 2-7 and to pass Claims 2-7 to allowance.

New Claim 9

Applicant has added new independent Claim 9 to define other aspects of the novel and non-obvious features of Applicant's invention. In particular, new Claim 9 defines a generally horizontal support device comprising a curved upper surface of low-friction material. New Claim 9 further defines the first portion of each independently movable cradle as having a curved lower surface such that when the cradle rests upon the curved upper surface of the support device, the small contact area between the two curved surfaces produces a low-friction interface. (See, for example, paragraph 0048 of the present application.) Neither Terbrack nor any of the other cited references

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teaches or suggests the curved upper surface of the support device in combination with curved lower surface of the cradle to provide a small contact area with low friction. In view of at least this non-obvious feature, Applicant respectfully submits that new Claim 9 is patentably distinguished over the cited references. Applicant respectfully requests allowance of new Claim 9.

Request for Telephone Interview

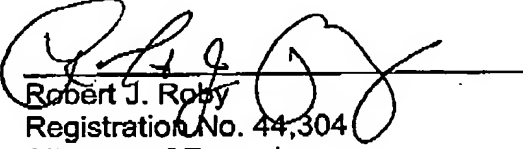
The undersigned has made a good faith effort to respond to all of the rejections raised in the Office Action so as to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' undersigned attorney of record at the number listed below in order to resolve such issues promptly.

Respectfully submitted,

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